

REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated April 9, 2008.

Claim Rejections - 35 USC § 103

The Applicant notes that the Examiner has resurfaced an argument used in the Office Action dated March 3, 2006. In essence, the Examiner is arguing again that the present invention is obvious in view of the combined teachings of Dougherty and Henderson. (Luchs has been cited merely for its disclosure of a standard form-based insurance form).

In response to the Office Action dated March 3, 2006, the Applicant submitted detailed arguments rebutting the Examiner's rejection of obviousness. In the subsequent Office Action dated July 28, 2006, the Examiner apparently accepted the Applicant's arguments in respect of Dougherty and Henderson, and the Dougherty citation was dropped from proceedings.

Now the Examiner has repeated essentially the same rejection in respect of Dougherty and Henderson, having earlier apparently accepted that this rejection had been addressed. In the Applicant's submission, this repetition of a much earlier obviousness rejection, which has already been addressed by the Applicant, does not justify the finality of the present Office Action. There is no 'new' ground of rejection, as alleged by the Examiner.

Notwithstanding the above, the Applicant maintains that Henderson in combination with Dougherty would not lead the skilled person to arrive at the present invention for the reasons already presented to the Examiner.

Henderson relies on the use of the well-known x-y digitizer to determine a position of a sensing device. Henderson states, at column 13, lines 45-47 that:

... the x-y digitizer may be of any suitable type, such as electromagnetic, electrostatic, touch, optical, ultrasonic and the like.

In other words, Henderson teaches an electronic device for determining a position of a sensing device. It is immaterial that Henderson places a sheet of paper over its x-y digitizer; the thing doing the job of determining the position of the sensing device is the x-y digitizer.

By contrast, in the present invention the form has printed thereon, a plurality of tags with each tag containing coded data indicative of its own location on the form. By sensing this printed coded data, the sensing device used in the present invention generates indicating data which is received by the computer system. In other words, the indicating data received by the computer system in the present invention originates not from electronic sensors on an x-y digitizer, but from sensed coded data *printed* on a form.

The combination of Henderson and Dougherty would not obviously lead the skilled person to the present invention, without prior knowledge of the present invention. Given the teaching of Henderson, the skilled person might consider modifying Dougherty by placing Dougherty's form on an x-y digitizer – he could then read Dougherty's 'hotspots' and at the same time determine the position of the sensing device using the x-y digitizer.

However, he would not consider modifying Dougherty's coded data so that he could do away with Henderson's x-y digitizer altogether, as required by the present invention. None of the prior art, *a priori*, teaches the skilled person to make this modification of Dougherty. Accordingly, it is submitted that the present invention is not obvious in view of Dougherty combined with Henderson or any other cited document.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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